



☒ **CIRCUIT COURT** ☐ **DISTRICT COURT OF MARYLAND FOR**

City/County

Located at

Court Address

Case No. 107306006

STATE OF MARYLAND

vs.

Bernard Gough

Defendant

**ORDER TO VACATE PROBATION BEFORE JUDGMENT / CONVICTION
(Criminal Procedure § 8-301.1)**

Having met the requirements of Criminal Procedure § 8-301.1(b)(1)-(4), a hearing was held on the State of Maryland's Motion to Vacate and the court finds:

- ☐ A ☐ probation before judgment ☒ judgment of conviction was entered.
- ☒ The defendant has been notified by the State of Maryland in writing of the filing of the state's Motion to Vacate in this matter.
- ☒ The defendant received actual notice of the date, time, and place of this hearing.
- ☐ A victim or victim's representative has been notified of this proceeding by the State of Maryland pursuant to Criminal Procedure § 11-104 and § 11-503.
- ☐ The State of Maryland has discovered new evidence that could not have been discovered by due diligence in time for a new trial under Md. Rule 4-331(c) AND creates a substantial or significant probability that the result would have been different; OR
- ☒ The State's Attorney received the new information after the entry of the probation before judgment or judgment of conviction that calls into question the integrity of the probation before judgment or conviction AND the interest of justice and fairness justifies vacating the probation before judgment or conviction.

The court ORDERS that the State of Maryland's Motion to Vacate is:

- ☐ **DENIED** as to the following charges/counts:

- ☐ **WITH PREJUDICE** (defendant received actual notice of the hearing)
- ☐ **WITHOUT PREJUDICE** (defendant did not receive actual notice of the hearing);

Reasons for denial:

- ☒ **GRANTED.** Vacate the conviction or probation before judgment for each of the following charges/counts and discharge the defendant:

Reasons: State met its burden and in the interest of justice and fairness the conviction shall be vacated.

It is further **ORDERED** that:

**JUDGE'S SIGNATURE APPEARS
ON THE ORIGINAL DOCUMENT**

11/27/2019

Date

Judge

ID Number